REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034

5:30 PM

TUESDAY, JUNE 16, 2009

AGENDA

CALL TO ORDER

1. ROLL CALL

CLOSED SESSION

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;
   - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
     - i. Update on Cause 2004-40164-362; *City of The Colony vs. North Texas Municipal Water District and the City of Frisco.*
     - ii. Discussion of legal issues regarding annexation of land in Frisco's extraterritorial jurisdiction.
     - iii. Receive legal advice regarding Cause No. 2008-30252-211 pending in the 211th Distirct Court in Denton County, Texas in the case styled Sequoia Stonebriar Leaseco, L.L.C. and Sequoia Stonebriar L.P. v. Broadstone Stonebriar II, L.P. et al.
     - iv. Receive legal advice from City Attorney regarding recent Precinct 2 election authorizing the sale of liquor.
   - B. Section 551.072. To deliberate the purchase, exchange, lease or value of

real property located:

i. South of US 380, North of The Colony city limits, East of FM 423, and West of Hillcrest Road.

C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

REPORTS

4. Certified Tourism Ambassadors Presentation

5. Accredited Destination Marketing Organization Award

6. Development Services May 2009 Report on Building Inspection, Code Enforcement, Animal Control, development, and training activities

7. Police Department's report on crime statistics and response times for the month of May 2009.

8. Fire Department Monthly Report on Incident Response and Educational Activities (FIRE)

9. Public Works Report on Water Usage and Other Monthly Activities

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

10. Consider and act upon approval of the Minutes from the June 02, 2009 Regular City Council Meeting. (CSO)

11. Consider and act upon approval of a Resolution authorizing the City Manager to execute Amendment Number One to the Professional Services Agreement by and between the City of Frisco and CH2M Hill for additional services relating to the design of Stonebrook Parkway Improvements (Dallas North Tollway to Preston Road) (Engineering/AH).

12. Consider and act upon approval of a Resolution Authorizing the City Manager to excute a contract by and between the City of Frisco and Kendall+Landscape Architecture for the master plan of Frisco's entry marker project. (CMO/CVB)

13. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Kimley-Horn Associates, Inc., to amend Engineering Design Standards and Construction Documents (Engineering/LC).

14. Consider and act upon authorization for the City Manager to execute Change Order Number 2 to the Standard Form of Agreement for construction services by and between the City of Frisco and McMahon Contracting, LLP for the Dogwood Street (CIP #03-0111) and Meadow Lane (CIP #04-0003) Paving, Drainage, Water and Wastewater Improvements (Engineering/AH)

15. Consider and act upon adopting a resolution authorizing the City Manager to act for and on behalf of the City of Frisco in dealing with Collin County for purposes of participating in the Collin County Parks and Open Space Funding Assistance Program. (Parks and Recreation)

16. Clear Wireless Tower Site Lease Agreements
    A. Consider and act upon approval of a Resolution authorizing the City Manager to execute a Tower Lease Agreement by and between the City of Frisco and Clear Wireless LLC for the Parkwood Water Tank. (CMO/AG)
    B. Consider and act upon approval of a Resolution authorizing the City Manager to execute a Tower Lease Agreement by and between the City of Frisco and Clear Wireless, LLC for the Hillcrest Water Tank Site. (CMO/AG)

17. Consider and act upon a Resolution authorizing the City Manager to execute an Underground Electric Line Easement by and between the City of Frisco, Texas and Denton County Electric Cooperative, Inc., d/b/a CoServ Electric for an Underground Electric Line Easement located on Eldorado Parkway east of the BNSF railroad crossing. (Engineering/JM)

18. Consider and act upon a Resolution authorizing the City Manager to execute an Underground Electric Line Easement by and between the City of Frisco, Texas and Denton County Electric Cooperative, Inc., d/b/a CoServ Electric for an Underground Electric Line Easement located at Frisco Fire Station # 4. (Engineering/JM)

19. Consider and act upon adoption of a resolution authorizing the City Manager to execute an agreement with Newman, Jackson, Bieberstein, Inc. for the design and preparation of construction documents for Preston Park North.

20. Consider and act upon adoption of an Ordinance setting the date and time of

regular meetings of the City Council as specified by the City Charter. (CSO)

21. Consider and act upon approval of the sale of one-(1) 1986 E-One Hurricane Pumper (Fire Engine) to Blossom Volunteer Fire and Rescue Department. (Fire)

22. Consider and Act on a Resolution approving the Energy Efficiency and Conservation Block Grant Application to the Department of Energy and authorizing the City Manager to sign the application. (CMO/JM)

23. Consider and act upon approval of a purchase order to Portable Computer Systems, Inc. for the purchase of twenty-eight - (28) Panasonic Toughbook computers with accessories. (Fire)

24. Consider and act upon adoption of a Resolution setting Public Hearings on the proposed involuntary annexations of Hawkins Survey, Abstract No. 582, Tract 1, 42.91± acres; Robertson Survey, Abstract No. 1487, Tract 1, 32.15± acres; Robertson Survey, Abstract No. 1487, Tract 2, 56.16± acres; Bates Survey, Abstract No. 73, Tract 1, 25.28± acres; Bates Survey, Abstract No. 73, Tract 3, 10.1± acres; Hawkins Survey, Abstract No. 582, Tract 1A, 118.9± acres; Bates Survey, Abstract No. 73, Tracts 1A, 2, & 4, 127.31± acres; Bates Survey, Abstract No. 1620, Tract 10, 19.12± acres; Salings Survey, Abstract No. 1675, Tract 3, 20.98± acres; Bates Survey, Abstract No. 1620, Tracts 12, 13, & 14, 1.66± acres; Whittenburg Survey, Abstract No. 1510, Tract 1, 6.49± acres; MEP & PRR Survey, Abstract No. 921, Tract 1, 58.28± acres; Bates Survey, Abstract No. 68, Tract 1, 161.46± acres; Hogue Survey, Abstract No. 1714, Tract 2, 49.5± acres; Bates Survey, Abstract No. 83, Tract 1, 112.9± acres; Bates Survey, Abstract No. 90, Tracts 1 & 2, 177.18± acres, Whittenburg Survey, Abstract No. 1510, Tract 2, 156.01± acres; MEP &PRR Survey, Abstract No. 941, Tract 3, 21.74± acres; Landrum Survey, Abstract No. 764, Tracts 1 & 2, 166.0± acres; Smith Survey, Abstract No. 1185, Tract 1, 128.0± acres; Bates Survey, Abstract No. 90, Tract 3, 136.86± acres; C. Rogers Survey, Abstract No. 1133, Tract 1, 35.77± acres; MEP &PRR Survey, Abstract No. 941, Tract 7, 33.0± acres; Neatherly Survey, Abstract No. 962, Tract 20, 108.03± acres; Jackson Survey, Abstract No. 665, Tract 2, 121.39± acres; MEP &PRR Survey, Abstract No. 941, Tracts 1 & 2, 287.73± acres' Hawkins Survey, Abstract No. 581, Tract 7, 60.0± acres; Hogue Survey, Abstract No. 1714, Tract 1, 41.0± acres; MEP &PRR Survey, Abstract No. 941, Tract 4, 5.0± acres; Hawkins Survey, Abstract No. 581, Tract 3, 40.14± acres; Hawkins Survey, Abstract No. 580, Tract 4, 9.06± acres; Hawkins Survey, Abstract No. 580, Tract 4A, 2.45± acres; Bristow Survey, Abstract No. 35, Tract 1, 12.33± acres; Smith Survey, Abstract No. 1681, Tract 4, 9.89± acres; MEP &PRR Survey, Abstract No. 941, Tract 5, 5.0± acres; Bates Survey, Abstract No. 90, Tract 4, 6.50± acres; Smith Survey, Abstract No. 1681, Tract 6, 9.91± acres; MEP &PRR Survey, Abstract No. 917, Tract 1, 101.85± acres; Taylor Survey, Abstract No. 1671, Tract 2, 0.29± acres; Lake Trail Mobile Home Estates, Lot 1, 0.22± acres; Lake Trail Mobile Home Estates, Lot 3, 0.60± acres; Lake Trail Mobile Home Estates, Lot 7, 0.27± acres; Lake Trail Mobile Home Estates, Lot 5, 0.60± acres; Lake Trail

Mobile Home Estates, Lot 2, 0.22± acres; Lake Trail Mobile Home Estates, Lot 4, 0.60± acres; Lake Trail Mobile Home Estates, Lot 6, 0.80± acres; Lake Trail Mobile Home Estates, Lot 8, 1.29± acres; MEP & PRR Survey, Abstract No. 919, Tracts 10, 12, 13, 14, & 15, 2.30± acres; MEP & PRR Survey, Abstract No. 919, Tracts 16, 17, 18, & 19, 2.00± acres; MEP & PRR Survey, Abstract No. 919, Tract 9, 0.60± acres; BBB & CRR Survey, Abstract No. 179, Tract 6, 39.93± acres; MEP & PRR Survey, Abstract No. 919, Tract 21, 5.69± acres, Denton County, Texas. Neighborhoods #43, 47, 48, 49, 50, 51, 52, and 53. (Development Services)

25. Consider and act upon adoption of a Resolution authorizing the City Manager to execute the First Amendment to the Interlocal Cooperation Agreement between Denton County, Texas and the City of Frisco, Texas to provide funding for the design of FM 423 from Stewart Creek Road to US 380 (Engineering/EM)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

26. Consider and act upon an Ordinance to reduce the existing posted speed limit on FM 423 from 55 mph to 50 mph from 0.2 miles north of Eldorado Parkway (MP 2.776) to Panther Creek Parkway contingent upon the acceptance by the Texas Transportation Commission (Engineering/BM).

REGULAR AGENDA

27. Public Hearing: Subdivision Ordinance Case SA08-0001. A request to adopt a new Subdivision Ordinance and repeal the existing Subdivision Regulation Ordinance (Ordinance 94-08-19) and repeal all amending Ordinances as follows: 98-05-09, 98-06-07, 99-04-04, 99-06-11, 99-09-25, 99-11-19, 00-04-02, 00-06-18, 00-09-22, 00-09-37, 00-12-09, 01-03-20, 01-07-51, 01-09-59, 02-05-56, 02-09-100, 02-11-127, 02-12-144, 03-01-02, 03-03-14, 03-03-15, 03-08-67, 03-11-93, 03-11-94, 03-11-95, 04-03-25, 04-04-28, 06-07-62, 06-10-105, 07-04-13. (Development Services/SM)

28. Community Development Block Grant Program Year (PY) 2009 Action Plan (CMO/SB)
    A. Public Hearing: Consider and act upon a Resolution adopting the Program Year (PY) 2009 City of Frisco Action Plan and instruct to forward to HUD with a request for Community Development Block Grant (CDBG) funding. (CMO\SB)
    B. Consider and and act upon a Resolution adopting the Program Year (PY) 2009 City of Frisco Action Plan and instruct staff to forward to HUD with a request for Community Developpment Block Grant (CDBG) funding. (CMO/SB)

29. On-Call Traffic Engineering Services (Engineering/BM).
    A. Consider and act upon a Resolution authorizing the City Manager to execute a Master Agreement with Kimley-Horn and Associates, Inc. for On-Call Professional Traffic Engineering Services, Contract Number 2009-001 (Engineering/BM).
    B. Consider and act upon a Resolution authorizing the City Manager to execute a Master Agreement with Lee Engineering, LLC for On-Call Professional Traffic Engineering Services, Contract Number 2009-002 (Engineering/BM).
    C. Consider and act upon a Resolution authorizing the City Manager to execute a Master Agreement with DKS Associates for On-Call Professional Traffic Engineering Services, Contract Number 2009-003 (Engineering/BM).

30. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

31. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

32. Discussion on Governance Monitoring of present City Council Meeting.

ADJOURN

CERTIFICATION

Henry Hill, Deputy City Manager, certifies that this Notice of Meeting was posted on the outside bulletin board, at the City Hall of the City of Frisco, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time:

By June 13, 2009 at 5:30 p.m. and remained so posted at least 72 hours before meeting was convened.

If during the course of the meeting covered by this notice, the City Council should determine that a closed or executive meeting or session of the City Council or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings Act, Texas Government Code § 551.001 et. seq., will be held by the City Council at the date, hour and place given in this notice as the City Council may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 – Private consultation with the attorney for the City.
§ 551.072 – Discussing purchase, exchange, lease or value of real property.
§ 551.074 – Discussing personnel or to hear complaints against personnel.

NOTICE

Pursuant to City of Frisco Ordinance Number 01-04-29 all speakers other than City of Frisco Staff are limited to five (5) minutes per item except by prior consent of the City Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

The Frisco City Hall is wheelchair accessible. Access to the building and special parking are available at the primary north entrance facing Frisco Square Blvd. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (972) 292-5025 or by FAX (972) 292-5028. BRAILLE IS NOT AVAILABLE.